

1 Patricia L. Peden (CA 206440)  
2 LAW OFFICE OF PATRICIA L. PEDEN  
3 1316 67<sup>th</sup> Street, Suite 6  
4 Emeryville, California 94608  
5 Telephone: (510) 268-8033

6 Nicholas H. Patton (admitted pro hac vice)  
7 Robert W. Schroeder III (admitted pro hac vice)  
8 Geoffrey P. Culbertson (admitted pro hac vice)  
9 PATTON, TIDWELL & SCHROEDER, L.L.P.  
4605 Texas Boulevard  
Post Office Box 5398  
Texarkana, Texas 75505-5398  
Telephone: (903) 792-7080  
Facsimile: (903) 792-8233

10 Courtney Towle (CA 221698)  
11 Patton, Tidwell & Schroeder, L.L.P.  
12 1316 67th Street  
Emeryville, CA 94608  
Telephone: (415) 939-2133

13 Attorneys for Plaintiffs  
14 VIESTE, LLC and VIESTE DEVELOPMENT, LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 (1) VIESTE, LLC, an Indiana corporation; and  
19 (2) VIESTE DEVELOPMENT, LLC; an  
Indiana corporation,  
20 Plaintiffs,  
v.

No. C 09-04024 JSW

21 (1) HILL REDWOOD DEVELOPMENT,  
LTD., a British Virgin Islands corporation;  
22 (2) HILL INTERNATIONAL, INC., a  
Delaware corporation;  
23 (3) HILL INTERNATIONAL  
DEVELOPMENT LTD., a British Virgin  
Islands corporation;  
24 (4) REDWOOD CAPITAL ADVISORS,  
LLC., a Delaware corporation;  
25 (5) STEPHEN GOODMAN, individually; and  
26 (6) S. DICK SARGON, individually;  
Defendants,

**STIPULATION AND PROPOSED  
ORDER GRANTING LEAVE TO  
PRODUCE DOCUMENTS RECEIVED  
FROM MR. ROBERT WESSELS AFTER  
THE CLOSE OF FACT DISCOVERY**

27 And related Counterclaim.  
28

1 For good cause as detailed below, subject to the Court's approval, and to avoid  
2 unnecessary discovery motion practice, the undersigned parties hereby stipulate and agree  
3 Plaintiffs may produce documents obtained from third-party, Mr. Robert Wessels, although  
4 the documents were produced by Plaintiffs after the fact discovery deadline.

5 **WHEREAS:**

6 1. Before the close of fact discovery, Plaintiffs serve a third-party deposition to  
7 Mr. Robert Wessels. On January 14, 2011, Mr. Wessels accepted service of Plaintiffs  
8 subpoena and agreed to produce responsive documents. Mr. Wessels was in the process of  
9 locating responsive documents to be produced to Plaintiffs (and by Plaintiffs to Defendants)  
10 before the close of fact discovery on February 15, 2011.

11 2. On February 15, 2011—the day the Wessels documents were to be produced--  
12 Defendants obtained a temporary protective order, precluding the production of Mr.  
13 Wessels's documents until Defendants' Motion to Quash was heard in the District Court for  
14 the District of Nevada. Defendants' counsel informed Mr. Wessels's counsel of the entry of  
15 the protective order and requested no documents be produced to Plaintiffs. Mr. Wessels's  
16 counsel honored the protective order.

17 3. On February 22, 2011, Defendants' Motion to Quash the Wessels Subpoena  
18 was heard, and denied.

19 4. Thereafter, Plaintiffs contacted Mr. Wessels's counsel and arranged for him to  
20 collect and produce documents to Plaintiffs. Mr. Wessels's documents were received by  
21 Plaintiffs on March 1, 2011.

22 5. On March 1, 2011 Plaintiffs produced to Defendants the documents they  
23 received from Mr. Wessels.

24 6. Because Plaintiffs did not produce the documents until after the close of fact  
25 discovery, leave of Court is required if Plaintiffs are to comply with the Court's Scheduling  
26 Order.

1           7.     The parties hereby agree and stipulation that Plaintiffs had good cause for  
2 producing the Wessels documents after the close of fact discovery and leave should be  
3 granted to permit the production of those documents after the February 15, 2011 fact  
4 discovery deadline.

5           8.     The parties seek the Court's approval of their stipulation, and request the court  
6 grant Plaintiffs leave to produce the Wessels documents.

7           9.     No other changes to the Court's scheduling order are sought.

8 **WHEREFORE, THE PARTIES STIPULATE AS FOLLOWS:**

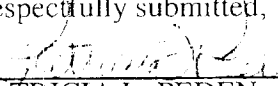
9           1.     The parties agree Plaintiffs have shown good cause for the late production of  
10 Mr. Wessels's documents and should be granted leave from the Scheduling  
11 Order to produce those documents after the close of fact discovery. Mr.  
12 Wessels's documents shall be considered timely produced.

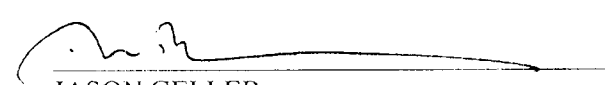
13           2.     No other changes to the Court's Scheduling Order are sought.

14  
15 **IT IS SO STIPULATED**

16 DATED: March 30, 2011.

17 Respectfully submitted,

18   
19 PATRICIA L. PEDEN  
20 LAW OFFICE OF PATRICIA L. PEDEN  
21 Attorneys for Plaintiffs and Counter-Defendants and  
22 Compulsory-counterclaim Plaintiffs  
23 VIESTE, LLC and VIESTE DEVELOPMENT,  
24 LLC

25   
26 JASON GELLER  
27 LONG & LEVIT LLP  
28 Attorneys for Defendants and Counterclaimants  
HILL REDWOOD DEVELOPMENT, LTD., HILL  
INTERNATIONAL, INC., HILL INTERNATIONAL  
DEVELOPMENT, LTD., REDWOOD CAPITAL  
ADVISORS, LLC, and Defendants STEPHEN  
GOODMAN, AND S. DICK SARGON and compulsory  
counterclaims defendants, including Steven E. Fishman.

ORDER

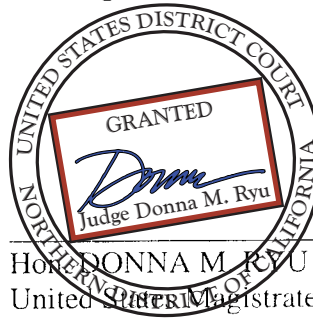
Good cause appearing for the stipulated relief requested above, the Court hereby orders:

Plaintiffs are granted leave from the Scheduling Order to produce documents received from Mr. Wessels in response to Plaintiffs' document subpoena. Those documents shall be considered timely produced.

No other changes to the Court's scheduling order are made.

IT IS SO ORDERED.

Dated: 4/1/2011



HON. DONNA M. RYU  
United States District Judge